IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 2758 of 2005

Between:

Sivapuram Nageswara Rao, S/o.Kotilingam,

Sivapuram(V), Vinukonda (M) Guntur District.

..... PETITIONER

AND

1. Commissioner of Endowments, Boggulakunta, Tilak Road,

Hyderabad.
2 Deputy Commissioner of Endowments, Guntur District,

Guntur.
3 Assistant Commissioner, Endowments Department,

Guntur.
4 Regional Joint Commissioner of Endowments, Multi Zone-II,

Tirupati.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in seeking to constitute a Trust Board for Siddimalleswara Swamy Temple, Sivapuram, Vinukonda, Guntur District as illegal, unconstitutional and consequently set aside the RC.No. B1/493/05 dt. 2-2-

2005 issued by Respondent No.3 with all consequential effects and direct the respondents to constitute the trust board only after finalising the declaration of the petitioner as member of the founder family and pass such order or other orders as deemed fit in interest of justice.

For the Petitioner: MR.K.S.MURTHY, Advocate.

For the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following:

ORDER: (per Sri B. Sudershan Reddy, J)

Sri K. Srinivasa Murthy, learned counsel appearing on behalf of the writ petitioner invited our attention to the application filed by the petitioner before the Deputy Commissioner of Endowments, Guntur District, Guntur, the 2nd respondent herein with the following prayer:

> "a)…….
>
> b) declare the petitioner is a member from the family of the founder inorder to act as founder trustee of the subject temple Sri Siddhamalleswara, Sri Chenna Malleswara and Sri Ramalingeswara Swamy Temple, Sivapuram Village, Vinukonda Mdl., Guntur Dist".

Though the gravamen of the complaint is about the inaction on the part of the Deputy Commissioner in disposing of the application filed by the petitioner, in the prayer portion of the writ petition, the petitioner seeks a writ of Mandamus declaring the action of the 3rd respondent in seeking to constitute a Trust Board for Siddimalleswara Swamy Temple, Sivapuram, Vinukonda, Guntur District vide the proceedings dated 02-02-2005 as illegal. We are not inclined to grant any such relief to the petitioner in this writ petition.

Interests of justice would be met by directing the Deputy Commissioner of Endowments, Guntur District, the 2nd respondent herein before whom the application filed by the petitioner is stated to be pending, to take an appropriate decision in the matter in accordance with law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of the

order. It shall be open to the Deputy Commissioner to pass appropriate orders in accordance with law on its own merits since we have not expressed any opinion whatsoever on the question as to the entitlement of the petitioner to be recognized as the member of the founder family of the said temple. There shall be an order accordingly. It is needless to observe that the Trust Board to be constituted shall always be subject to the decision to be taken by the Deputy Commissioner as regards the claim of the writ petitioner for being recognized as the member of the founder family of Siddimalleswara Swamy Temple.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

28-03-2005

(C.V. Ramulu, J)

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Note: Furnish Copy within two days.

B/O

To

1. The Commissioner of Endowments, Boggulakunta,

Tilak Road, Hyderabad.

2 The Deputy Commissioner of Endowments, Guntur District,

Guntur.

3 The Assistant Commissioner, Endowments Department,

Guntur.

4 The Regional Joint Commissioner of Endowments,

Multi Zone-II, Tirupati.

5. Two CCs to the Government Pleader for Endowments, High Court of Andhra Pradesh, Hyderabad (OUT).

6. Two CD copies.